

**ZB# 96-38**

**KWG Realty Corp.**

**9-1-23.1**

#96-38 - KWB Realty

Sign request - 9-1-23.1

Pullin.

July 8, 1996.

Interp. and/or

Variances

Need copy of:

- ① Deed
- ② Title
- ③ checks \$150.00 ~~4~~
- ③ checks \$500.00 ~~4~~
- ④ Photos ~~4~~

Letters out - 11/2/96  
Notice to Sentinal 11/6/96

Public Hearing:

November 25, 1996.

Sign Variance

Granted

Refund: \$376.00

formal decision  
done 4

TOWN OF NEW WINDSOR  
555 Union Avenue  
New Windsor, NY 12553

## General Receipt

11 1

4750 to 1976

Received from R. W. G. Realty Corp \$ 150.00

One Hundred Fifty 00/100 DOLLARS

For 2130 4 96 35

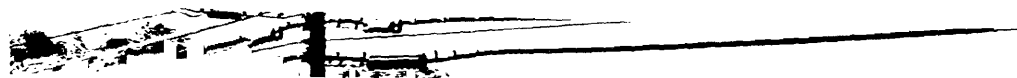
### DISTRIBUTION

FUND	CODE	AMOUNT
2130 4 96 35		150.00

By Donald H. Hines

Town Clerk  
TITLE

WILLIAMSON LAW BOOK CO. VICTOR NY 14554



CR #1208		150 <sup>00</sup>

WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

Town Clerk

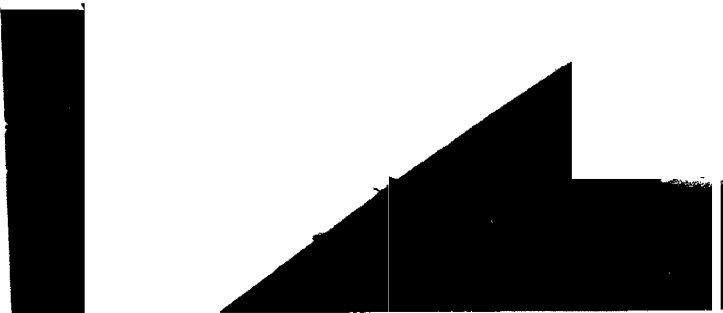
TITLE





Sign nearest - 9-1-23.1





APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: KWB Realty

FILE # 96-38

RESIDENTIAL: \$ 50.00  
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒ Sign

USE ☐

APPLICATION FOR VARIANCE FEE . . . . . \$ 150.00

paid 7/6/96  
ck# 1209

\* \* \* \* \*

ESCROW DEPOSIT FOR CONSULTANT FEES . . . . . \$ 500.00

ck# 1207  
paid 11/6/96.

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE 7/8/96 - 8 pages \$ 36.00  
2ND PRELIM. MEETING - PER PAGE 11/28/96 - 4 pages \$ 18.00  
3RD PRELIM. MEETING - PER PAGE . . . . . \$             
PUBLIC HEARING - PER PAGE . . . . . \$             
PUBLIC HEARING (CONT'D) PER PAGE . . . . . \$           

TOTAL . . . . . \$ 54.00

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 7/8/96 . . . . . \$ 35.00  
2ND PRELIM. 11/28/96 . . . . . \$ 35.00  
3RD PRELIM. . . . . \$             
PUBLIC HEARING . . . . . \$             
PUBLIC HEARING . . . . . \$           

TOTAL . . . . . \$ 70.00

MISC. CHARGES:

\_\_\_\_\_ \$             
TOTAL . . . . . \$ 124.00

LESS ESCROW DEPOSIT . . . \$ 500.00  
(ADDL. CHARGES DUE) . . . \$             
REFUND DUE TO APPLICANT . \$ 376.00

THIS CHECK IS IN FULL PAYMENT OF THE FOLLOWING		1208	
DATE		AMOUNT	
TOTAL OF INVOICES			
LESS			
AMOUNT OF CHECK			

**K.W.G. REALTY CORP.**  
P.O. BOX 2628  
NEWBURGH, NY 12550

PAY TO THE ORDER OF Town of New Windsor 11/6 1996 <sup>50-235</sup> 611  
219  
One hundred fifty and 00/100 \$ 150 <sup>00</sup>/<sub>100</sub> DOLLARS

**THE BANK OF NEW YORK**  
280 BROADWAY, NEWBURGH, N.Y. 12550

MEMO ZBA # 96-38 J. X. Hu, Treas  
 MICR: ⑆001208⑆ ⑆021902352⑆ ⑆6800583959⑆

THIS CHECK IS IN FULL PAYMENT OF THE FOLLOWING		1207	
DATE		AMOUNT	
TOTAL OF INVOICES			
LESS			
AMOUNT OF CHECK			

**K.W.G. REALTY CORP.**  
P.O. BOX 2628  
NEWBURGH, NY 12550

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219  
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MEMO ZBA # 96-38 J. X. Hu  
 MICR: ⑆001207⑆ ⑆021902352⑆ ⑆6800583959⑆



[illegible]

-----x  
In the Matter of the Application of

KWG REALTY CORP.

MEMORANDUM OF  
DECISION GRANTING  
AREA VARIANCES  
FOR SIGN

#96-38.  
-----x

WHEREAS, KWG REALTY CORP., a corporation with offices located at 24 Windsor Highway, New Windsor, N. Y., has made an application before the Zoning Board of Appeals for an 8 s.f. sign area and 6 in. sign height variance for freestanding signs, plus a variation of Section 48-18H[2] and [4] of the Supplemental Sign Regulations which limits the total of freestanding signs to one per parcel, for the Gallagher Truck Center in a C zone; and

WHEREAS, a public hearing was held on the 25th day of November, 1996, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Frank Gallagher; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to this application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance to its previously made decisions in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence presented by the applicant showed that:

(a) The subject piece of property is a commercial property located in a zone and neighborhood of commercial properties.

(b) This property for which signage is sought is some distance from NYS Route 32 and is on a larger piece of property containing a number of buildings.

(c) There is presently existing in front of the proposed site a sign for "GMC". The sign that is proposed is one for "Peterbilt". The Peterbilt sign would have the same height as the existing GMC sign.

(d) Separate signs are necessary because they are

competing truck manufacturers and cannot be advertised on the same sign.

(e) The size increase in the proposed sign is termed by the Building Inspector as "very minor". The height variance also appears to be minor in inches. The major reason for the variance is the existence of a second sign where normally only one is allowed.

(f) The Peterbilt and GMC Trucks will be sold and serviced from the same facility in spite of the separate signs.

(g) The Applicant has proposed a sign consistent with the smallest possible sign under the Peterbilt sign program.

(h) The building in which it is housed is large enough that it could accommodate within the Zoning Code two separate businesses, in which case under the New Windsor Zoning Local Law the Applicant would be allowed two separate signs. The proposed sign will be internally lit with florescent lighting. It will not be neon and will not blink or flash.

(i) The location of the sign will not interfere with the sight lines for the public traveling on the adjacent roadway and will not interfere with any standing water or course of drainage.

(j) The site of the proposed sign will not interfere with any sanitary sewer lines.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

(a) The requested variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

(b) There is no other feasible method available to Applicant which can produce the benefits sought.

(c) The variances requested are not substantial and should be granted for the reasons stated above.

(d) The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

(e) The difficulty the applicant faces in conforming to the bulk regulations is self-created in that the construction is proposed, but should nevertheless be granted.

(f) The benefit to the applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

(g) The requested variances are appropriate and are the minimum variance necessary and adequate to allow the applicant relief from the requirements of the Zoning Local Law and at the

same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

(h) The interests of justice will be served by allowing the granting of the requested variances.

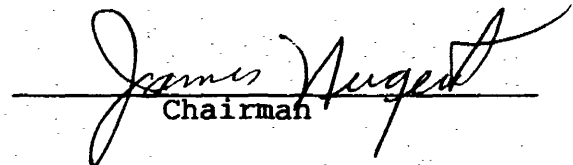
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 s.f. sign area variance, 6 in. sign height variance and more than the allowable signs on the parcel in variation of Section 48-18H[2] and [4] of the Supplemental Sign Regulations for Gallagher Truck Center located at 24 Windsor Highway, in a C zone, as sought by the applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 08, 1997.

  
Chairman

9-1-22 MILLER, KENNETH J. USE/AREA VARIANCE GRANTED

ROUTE 32 #73-13

CONST OF BLDG. FOR SALE OF NEW/USED CARS/CAMPERS/TRAILERS IN GI ZONE

9-1-22 MANS, C. P. SIGN VARIANCE GRANTED

28 WINDSOR HIGHWAY-HONDA SHOP #78-14 PI ZONE 5/8/78

REQUEST FOR 96 S.F. SIGN AREA VARIANCE FOR HONDA SHOP.

9-1-22 MANS BROS. AREA VARIANCE DENIED

28 WINDSOR HIGHWAY #81-2 2/9/81

REQUEST FOR 11 FT. SIDE YARD VARIANCE FOR CONSTRUCTION OF ADDITIONAL BUILDING FOR REPAIR OF MOTORCYCLES AND WAREHOUSE IN PI ZONE.

9-1-22 MANS, C.P. AREA VARIANCE PI ZONE GRANTED

28 WINDSOR HIGHWAY #81-24 PI ZONE 1/25/82

REQUEST FOR 12 FT. SIDE YARD VARIANCE FOR CONSTRUCTION OF WAREHOUSE TO THE REAR OF PROPERTY LOCATED ON ROUTE 32 IN PI ZONE.

9-1-23.1 KWG REALTY CORP. EXT OF N/C USE GRANTED

ROUTE 32, SOUTH PI ZONE #88-12 03/14/88

SIGN VARIANCE #89-22 05/22/89

REQUEST FOR EXTENSION OF NON-CONFORMING USE (COMMERCIAL TRUCKING BUSINESS) GRANTED ON 03/14/88 UNDER ZBA FILE #88-12. REQUEST FOR 36 S.F. SIGN VARIANCE FOR THREE (3) SIGNS ON BUILDING FACADE, TOTAL SIGN AREA WILL BE 96 S.F., INCLUDING (1) 4 X 5 S.F. (2) 4 X 12 S.F. AND (3) 4 X 7 S.F. SIGN AREA DEPICTING "GALLAGHER", "GMC TRUCKS" AND "PETERBILT" UNDER ZBA FILE #89-22.

#93-15 - GALLAGHER TRUCK CENTER C ZONE GRANTED 06/28/93

REQUEST FOR 216 S.F. SIGN AREA VARIANCE FOR A FREE-STANDING EXISTING SIGN, 25 FT. SIGN HEIGHT VARIANCE FOR A FREE-STANDING SIGN, 84.72 S.F. SIGN AREA VARIANCE FOR A PROPOSED FREE-STANDING NEW SIGN AND ONE FREE-STANDING SIGN VARIANCE TO ALLOW A TOTAL OF TWO FREE-STANDING SIGNS IN A ZONE WHERE ONLY ONE FREE-STANDING SIGN IS PERMITTED AT THE WINDSOR HIGHWAY LOCATION. NOW LOCATED IN C ZONE.

#95-25 KWG REALTY CORP. SIGN VARIANCE GRANTED

24 WINDSOR HIGHWAY C ZONE 08/14/95

REQUEST FOR VARIATION OF SECTION 48-18H OF THE SUPPLEMENTARY SIGN REGULATIONS TO INCLUDE MORE THAN ONE FREESTANDING SIGN ON A LOT, MORE THAN ONE FACADE SIGN ON BUILDING, A FACADE SIGN GREATER THAN 3.5 FT. X 10 FT. FOR THE S.G. KIMBALL, INC. AUTO PARTS BUILDING LOCATED AT 24 WINDSOR HIGHWAY IN A C ZONE.

9-1-25.21 IMPELLITTIERE, GERARD T. JR. AREA VARIANCE GRANTED

DUFFER'S HIDEAWAY - ROUTE 32 PI ZONE #89-49 10/23/89

REQUEST FOR 35 FT. HEIGHT VARIANCE AND A 6 FT. VARIANCE IN BOTH SIDE YARDS AND IN THE REAR YARD IN ORDER TO CONSTRUCT A 50 FT. HIGH FENCE SET BACK 4 FT. FROM BOTH SIDES AND REAR PROPERTY LINES.

9-1-25.222 REDL, HERBERT AREA/SIGN VARIANCE GRANTED

151 WINDSOR HIGHWAY NC/PI ZONE #87-2 02/23/87

REQUEST FOR CONSTRUCTION OF 7 FT. SECURITY FENCE WITH 3 STRAND BARBED WIRE IN VARIANCE OF SECTION 48-14C(1) AND 50 S.F. SIGN VARIANCE FOR MINI-STORAGE SITE.

9-1-37.1 OCCUPATIONS, INC. AREA VARIANCE GRANTED

67 WINDSOR HIGHWAY #84-17 PI ZONE 09/10/84

REQUEST FOR AREA VARIANCE TO PLACE 9 FT. FENCING (INCLUDING 3 STRAND BARBED WIRE) ON REAR OF PROPERTY TO PREVENT VANDALISM.

9-1-42/43 MC ROBERT'S PROPERTIES/ #71-19 SIGN VARIANCE GRANTED

NEWBURGH MUFFLER INC. 10 WINDSOR HIGHWAY

*KWG Realty Corp.*

Date 11/28/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Sycamore Dr DR.  
New Windsor NY 12553

DATE

CLAIMED

ALLOWED

11/28/96	Zoning Board Mtg	75 00		
	Misc - 3			
	Dembhoff - 2			
	Bedding - 6			
	Cayman - 5			
	Klog - 4 18.00			
	<u>20</u>	<u>90 00</u>		
		165 00		

PUBLIC HEARING

KWG REALTY CORP.

MR. NUGENT: I don't believe there's anybody here for the public hearing, we'll just mark the paper. Request for 8 square feet sign area variance, 6 inch sign height variance and more than the allowable signs (allowed one, requests two) in variation of Section 48-18H[2] and [4] of the Supplemental Sign Regulations for Gallagher Truck Center at 24 Windsor Highway in a C zone.

Mr. Frank Gallagher appeared before the board for this proposal.

MR. GALLAGHER: I have been here before, everybody has become familiar with this property. I have a map here, was couple months ago that I was here so to refresh everybody's memory, I will show it in stages. Presently existing out front is a GMC sign. What I propose to do is just put inside of it, this being 32, a Peterbuilt sign of equal height, 15 feet, 6 inches and I have pictures here too, there's the existing sign and there's the Peterbuilt sign. I have pictures of the site, if anybody would like to see them.

MR. LANGANKE: I'd like to look at the pictures.

MR. GALLAGHER: Sure. That one would be facing south, this one is west directly across the street, this would be just in here or just in here.

MR. TORLEY: They are going to be sold out in two separate structures?

MR. GALLAGHER: They are both physically sold right here, they are both physically serviced here and the parts supplied for both are in here.

MR. LANGANKE: This is not really a big variance request.

MR. BABCOCK: No, I don't think it is at all. I think the real reason is because he's allowed one sign and he

wants to have the, I think that is the biggest, the amount of area that he is asking for is 8 square feet, it's very minor.

MR. LANGANKE: Exactly as is the height variance.

MR. BABCOCK: And the height is six inches, it's the idea that he wants two signs and he's allowed one.

MR. LANGANKE: When you look at the size of the property involved that also diminishes the request.

MR. BABCOCK: That is correct.

MR. GALLAGHER: This is the smallest possible sign I can get under the Peterbuilt sign program. The face here as you can see is 9 1/2 feet by 4 feet tall, the next choice would have been 19 feet wide, 8 feet tall, just of the all area and the largest one is 29 1/2 feet by 12 feet high so--

MR. LANGANKE: That is big.

MR. GALLAGHER: I'm asking for as little as I can possibly ask for.

MR. KRIEGER: The building is big enough that if it were so configured on the inside, you could actually house two buildings. I'm not suggesting that it ought to be done in which case he would be entitled to two signs.

MR. BABCOCK: That is correct, right, the way the sign ordinance is written, it says that you are allowed one sign per lot. You have a lot like this gentleman has and he has how many different businesses do you have on the lot, Frank?

MR. GALLAGHER: Well, eight.

MR. BABCOCK: He has 8 businesses on one lot, the sign ordinance doesn't say per business, it says per lot.

MR. REIS: What's the lot size?



MR. BABCOCK: Frank do you know how big your lot is, how many acres your lot is?

MR. GALLAGHER: 11.1.

MR. LANGANKE: Do you have enough room out there to come back again if you add another line of trucks to your business?

MR. GALLAGHER: Well, I have got enough headaches now.

MR. LANGANKE: I think we have discussed this.

MR. NUGENT: This sign going to be internally lit?

MR. GALLAGHER: Yes, fluorescent, not neon.

MR. LANGANKE: I remember we discussed this quite thoroughly at the preliminary, I personally don't have anymore questions.

MR. TORLEY: No questions.

MR. REIS: No questions.

MR. NUGENT: Mr. Krieger?

MR. KRIEGER: No, there's enough. The location of the sign won't interfere with the traveling of any ground or storm water, would it?

MR. GALLAGHER: No and there's no--

MR. KRIEGER: And there's no water ponding or collecting on that site?

MR. GALLAGHER: No.

MR. TORLY: Won't interfere the view of the road?

MR. GALLAGHER: No.

MR. REIS: It's within the other existing sign so--

MR. KRIEGER: Won't interfere with any septic lines?

MR. GALLAGHER: Used to be septic, now it's town sewer.

MR. KRIEGER: But it's not there.

MR. GALLAGHER: No, well, we were required to hook up.

MR. KRIEGER: But what I am getting at this particular sign if it's granted is not going to interfere with that?

MR. GALLAGHER: Correct, because there's no sewer existing or no septic existing.

MR. KRIEGER: And the sewer line doesn't go there, it goes someplace else.

MR. GALLAGHER: Correct.

MR. NUGENT: I'll accept a motion from the board.

MR. LANGANKE: I make a motion that we grant Mr. Gallagher's request for variance.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. NUGENT	AYE

MR. GALLAGHER: Thank you.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: JUNE 28, 1996 *Amended: 7/9/96.*

APPLICANT: KWG REALTY  
24 WINDSOR HIGHWAY  
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: JUNE 28, 1996  
FOR (BUILDING PERMIT):

LOCATED AT: 24 WINDSOR HIGHWAY

ZONE C

DESCRIPTION OF EXISTING SITE: SEC: 9, BLOCK: 1, LOT: 23.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. PROPOSED POLE SIGN WILL EXCEED MAXIMUM HEIGHT AND TOTAL SQUARE FOOT AREA.
2. PROPOSED POLE SIGN WILL EXCEED MAXIMUM NUMBER OF SIGNS.

*Frank Lisi*  
BUILDING INSPECTOR

\*\*\*\*\*

<u>PERMITTED</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
------------------	------------------------------	-------------------------

<u>ZONE C</u>	<u>USE</u> 48-18 H(2) 4[4]	
---------------	----------------------------	--

SIGN

<u>FREESTANDING</u>	TOTAL	64 SQ FT.	72 SQ.FT.	8FT.
<u>HEIGHT</u>		15 FT.	15'6"	6 IN.
<u>TOTAL ALL SIGNS</u>		ONE	TWO	ONE

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY

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NEW WINDSOR, N.Y. 12553

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BUILDING INSPECTOR

\*\*\*\*\*

PERMITTED

PROPOSED OR  
AVAILABLE

VARIANCE  
REQUEST

ZONE C

USE 48-18 H 2

SIGN

FREESTANDING

TOTAL 64 SQ FT.

72 SQ.FT.

8FT.

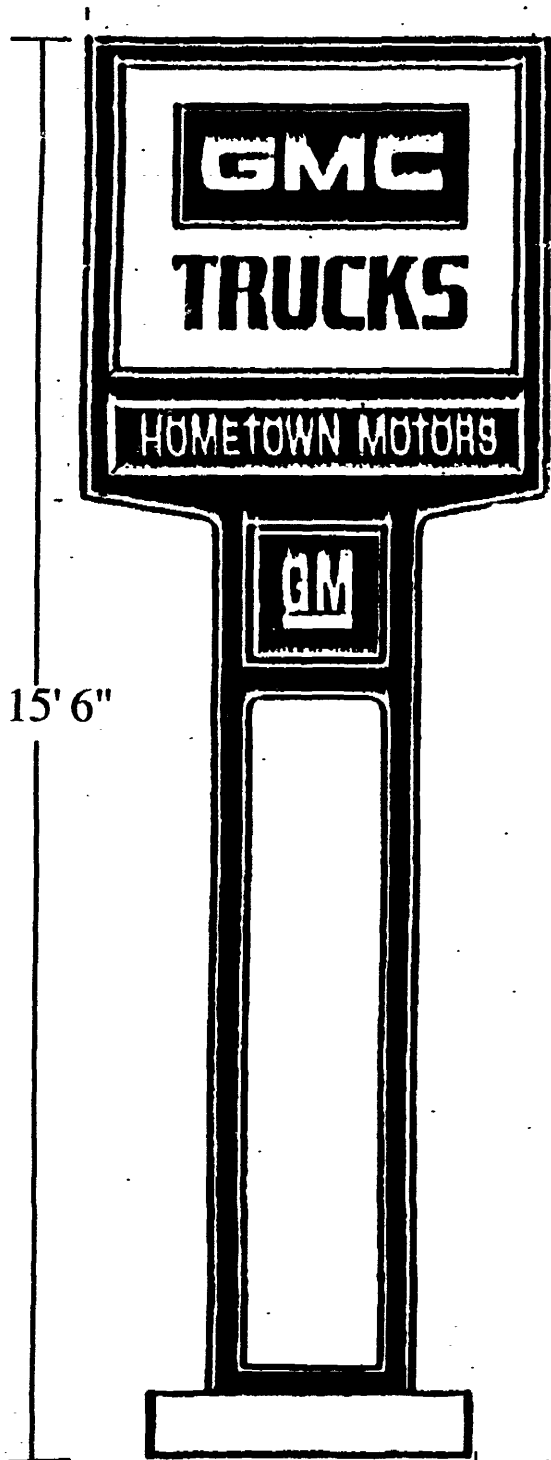
HEIGHT

15 FT.

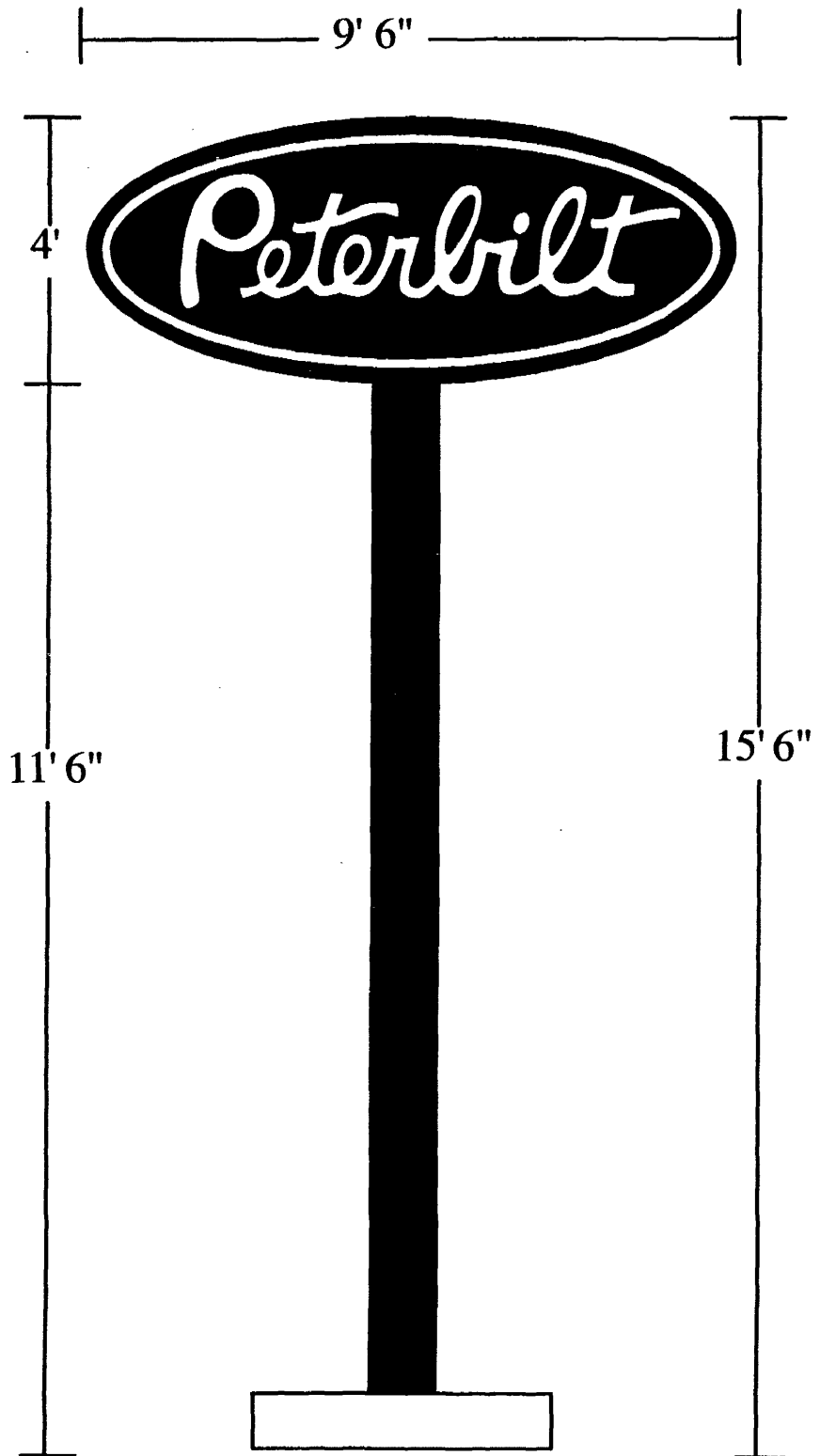
15'6"

6 IN.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT  
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD OF  
APPEALS.



Existing Sign



Proposed Sign



RECEIVED JUN 2 5 1996

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permit must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises K.W.G. Realty Corp.

Address 24 Windsor Highway Phone 914-565-7700

Mailing Address P.O. Box 2628, Newburgh, NY 12550

Name of Architect N/A

Address - - - - - Phone - - - - -

Name of Contractor Not yet selected

Address - - - - - Phone - - - - -

State whether applicant is owner, lessee, agent, architect, engineer or builder Owner

If applicant is a corporation, signature of duly authorized officer.

*For the Trust*

**FOR OFFICE USE ONLY**

Building Permit # \_\_\_\_\_

1. On what street is property located? On the W side of Route 32  
and 200' feet from the intersection of (N,S,E or W) Fern Avenue
2. Zone or use district in which premises are situated C Is property a flood zone? Y N N
3. Tax Map Description: Section 9 Block 1 Lot 23.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.  
a. Existing use and occupancy Vehicle Showroom b. Intended use and occupancy Vehicle Showroom
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒ Sign
6. Is this a corner lot? NO 4x9 Pole Sign
7. Dimensions of entire new construction. Front N/A Rear N/A Depth 2' Height 15'6" No. of stories N/A
8. If dwelling, number of dwelling units: 0 Number of dwelling units on each floor 0  
Number of bedrooms 0 Baths 0 Toilets 0  
Heating Plant Gas 0 Oil 0 Electric/Hot Air 0 Hot Water 0  
If Garage, number of cars 0
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_
10. Estimated cost \$6,000. Fee \_\_\_\_\_  
(To be Paid on this Application)
11. School District Newbury A

Costs for the work described in the Application and Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost an additional fee may be required before the issuance of Certificate of Occupancy.



1 / 19  
APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors: Frank Lisi, Ernst Schmidt  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(914) 564-4612 563-41615  
(914) 563-4693 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_


REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

  
(Signature of Applicant)

24 Windsor Highway  
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawing.

N

Additional Sign

Copy of Plan attached

W

E

S

# Deed.

ANNE C. GALLAGHER

TO

K. W. G. REALTY CORPORATION

Dated, February 10, 1969

Orange County Clerk's Office, S.S.

Recorded on the 13<sup>th</sup> day  
 of Feb. 1969 at 9:17  
 o'clock A M. in Liber 1813  
Deed at page 862  
 and Examined

C. N. Winters Clerk

RECORD RETURN TO  
 CHARGE TO

LAW OFFICES

BROWNING &amp; STRADAR

388 BROADWAY

NEWBURGH, NEW YORK

12550

115-5  
 10-

0 0 3 4 5 0  
 REAL ESTATE  
 TRANSFER TAX  
 DEPT. of  
 Taxation  
 & Finance  
 STATE OF  
 NEW YORK  
 FEB 13 1969  
 \$ 11.55  
 \*

GEORGE F. STRADAR, JR.  
 Notary Public State of New York  
 Qualified in Orange County  
 My Commission Expires March 30, 1970

Notary Public

George F. Stradar, Jr.

STATE OF NEW YORK }  
 COUNTY OF ORANGE } ss.

On the 10<sup>th</sup> day of February, nineteen hundred and sixty-nine, before me personally came Edward F.X. Gallagher to me known, who being by me duly sworn, did depose and say that he resides at no number Grand Ave., Town of Newburgh, Orange Co., N.Y. that he is the Exec. VP of K.W.G. REALTY CORPORATION, the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by like order.

# This Indenture,

Made the 10th day of February, nineteen hundred and sixty-nine.

Between ANNE C. GALLAGHER, residing at No. 2273 Lagoon Drive, in the City of Dunedin, Pinellas County, Florida,

party of the first part, and

K. W. G. REALTY CORPORATION, a New York corporation having its principal place of business at No. 60 Mill Street, City of Newburgh, Orange County, New York,

party of the second part:

Witnesseth, that the party of the first part, in consideration of TEN and 00/100----- (\$10.00)----- Dollars, lawful money of the United States, and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors and assigns forever,

( All that certain lot, piece or parcel of land, with the buildings and improvements thereon, situated in the Town of New Windsor and City of Newburgh, County of Orange, State of New York, and being more accurately bounded and described as follows:

Beginning at a point marked by an iron rod in the westerly line of lands described in a deed dated March 9, 1960, made by Raphael Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher, recorded in the Orange County Clerk's Office on March 11, 1960, in Liber 1542 of Deeds at page 471, said point of beginning being located North 29° 22' 10" East 238.09 feet from an iron pipe marking the most westerly corner of said lands of Frank X. Gallagher and Anne C. Gallagher, said point of beginning also being located South 29° 22' 10" West 75.49 feet from the northeast corner of lands described in a deed dated October 23, 1968, made by Joseph Monti to Anne C. Gallagher and recorded in the Orange County Clerk's Office on October 24, 1968, in Liber 1806 of Deeds at page 606; thence from said point of beginning and along the line of lands now or formerly of Anne C. Gallagher as described in Liber 1806 of Deeds at page 606 and Central Hudson Gas and Electric Corporation as described in Liber 1607 of Deeds at page 37 on the West and lands of Frank X.

Gallagher and Anne C. Gallagher, as described in Liber 1542 of Deeds at page 471, on the East, passing from the Town of New Windsor into the City of Newburgh, North  $29^{\circ} 22' 10''$  East 492.05 feet to an iron rod in the southerly line of lands now or formerly of the Newburgh City & Town Home, said iron rod being located North  $69^{\circ} 13' 34''$  East 1.51 feet from a monument; thence along the southerly line of lands now or formerly of the Newburgh City & Town Home, passing from the City of Newburgh into the Town of New Windsor, South  $67^{\circ} 40' 00''$  East 460.92 feet to an iron rod in the westerly line of lands of the Erie Lackawana Railway Company; thence along the westerly line of lands of the Erie Lackawana Railway Company on the next five courses, (1) on a line parallel to and 28 feet westerly of the center of the railroad tracks on a curve to the right having a radius of 927.37 feet an arc distance of 100.72 feet to a point marked by an iron rod; thence (2) south  $79^{\circ} 51' 46''$  West 22.0 feet to a point marked by an iron rod; thence (3) on a line parallel to and 50 feet westerly of the center line of the railroad tracks on a curve to the right having a radius of 905.37 feet an arc distance of 199.0 feet to a point marked by an iron rod; thence (4) South  $87^{\circ} 32' 36''$  East 25.0 feet to a point marked by an iron rod; thence (5) on a line parallel to and 25 feet westerly of the center line of the railroad tracks on a curve to the

right having a radius of 930.37 feet, an arc distance of 236.58 feet to a point marked by an iron rod; thence through said lands of Frank X. Gallagher and Anne C. Gallagher described in Liber 1542 of Deeds at page 471, North  $67^{\circ} 14' 30''$  West 723.78 feet to the point of beginning Containing 6.87± acres.)

TOGETHER WITH a permanent easement and right of way in common with Anne C. Gallagher, her heirs and assigns, in, upon, over, under and across all that certain lot, piece or parcel of land situate in the Town of New Windsor, County of Orange, State of New York, and being more accurately bounded and described as follows:

Beginning at an iron rod marking the intersection of the westerly line of lands of the Erie Lackawana Railway Company with the southerly line of lands described above; thence from said point of beginning and along the westerly line of lands of the Erie Lackawana Railway Company on a line parallel to and 25 feet westerly of the center line of the tracks on a curve to the right having a radius of 930.37 feet an arc distance of 44.93 feet to an iron rod; thence through lands now (continued on rider attached hereto and made a part hereof)

LIBER 1813 PG 863

(Rider attached to and made a part of Deed dated February 10, 1969, made by Anne C. Gallagher to K. W. G. Realty Corporation)

or formerly of Frank X. Gallagher and Anne C. Gallagher, described in Liber 1542 of Deeds at page 471, North 45° 29' 29" West 120.88 feet to an iron rod in the southerly line of lands described above; thence along said line, South 67° 14' 30" East 108.87 feet to the point of beginning. Containing more or less.

TOGETHER WITH a temporary easement and right of way in common with Anne C. Gallagher, her heirs and assigns, in, upon, over, under and across the remaining lands described in Liber 1542 of Deeds at page 471 which are not herein conveyed. Said temporary easement and right of way shall be for ingress and egress from New York State Route 32 to the property first above described, and shall automatically terminate upon (1) the recording in the Orange County Clerk's Office of an instrument made by the Erie Lackawanna Railway Company or its successors and assigns, granting to K. W. G. Realty Corporation, or its successors and assigns the right to cross lands of said Erie Lackawanna Railway Company for ingress and egress from New York State Route 32, and (2) the construction by said K. W. G. Realty Corporation of a



road over the above-described permanent easement and right of way and over the said lands of the Erie Lackawana Railway Company.

Reserving and granting to Anne C. Gallagher, her heirs and assigns, in common with K. W. G. Realty Corporation, its successors and assigns, the right to use the above-described roadway over lands of the Erie Lackawana Railway Company, over lands described in the aforesaid permanent easement and right of way herein granted by Anne C. Gallagher, and over the premises first above described and conveyed, to commence upon the recording in the Orange County Clerk's Office of the instrument made by the Erie Lackawana Railway Company or its successors and assigns mentioned in the paragraph immediately above, whereby crossing rights are granted, and the completion of construction of said roadway by K. W. G. Realty Corporation, its successors and assigns; and

Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1970

(second page of Rider attached to and made a part of Deed dated February 10, 1969, made by Anne C. Gallagher to K. W. G. Realty Corporation)

K. W. G. Realty Corporation, the grantee herein, separately executes and acknowledges this deed for the sole purpose of consenting to and granting said rights to Anne C. Gallagher, her heirs and assigns.

BEING part of the premises described in a deed dated March 9, 1960, made by Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher, recorded in the Orange County Clerk's Office on March 11, 1960, in Liber 1542 of Deeds at page 471, the said Frank X. Gallagher having died on December 10, 1961, a resident of Orange County.

SUBJECT to a certain grant to Central Hudson Gas and Electric Corporation made by Anne C. Gallagher by instrument dated February 5, 1969, and to be recorded in the Orange County Clerk's Office simultaneously herewith.

LIBRARY 1813 PC 865

GEORGE F. STERNBERG, Notary  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1970

1813 of 866

Together with the appurtenances and all the estate and rights of the party of the  
first part. in and to the said premises.

To have and to hold the premises herein granted unto the party of the second  
part, its successors and assigns forever.

101  
And the said Anne C. Gallagher  
covenant that she has not done or suffered anything whereby the said premises have  
been incumbered in any way whatever, except as aforesaid.

And The grantor, in compliance with Section 13 of the Lien Law, covenant as  
follows: That she will receive the consideration for this conveyance and will hold the  
right to receive such consideration as a trust fund to be applied first for the purpose of  
paying the cost of the improvement, and that she will apply the same first to the payment  
of the cost of the improvement before using any part of the total of the same for any  
other purpose.

In Witness Whereof, the party of the first part has hereunto set her  
hand and seal the day and year first above written.

In the Presence of:

Georg J. Stender, Jr.

Anne C. Gallagher  
Anne C. Gallagher

IN, WITNESS WHEREOF, the party of the second part has caused it  
corporate seal to be affixed and these presents to be signed by it  
fully authorized officer the day and year first above written.

K. W. G. REALTY CORPORATION

By Edward F. X. Gallagher  
Edward F. X. Gallagher

(Seal)  
Attest  
ASST. Secretary

State of New York, County of Orange

SS.:

On the 10th day of February, nineteen hundred and  
sixty-nine before me personally came Anne C. Gallagher

, to me know  
to be the individual described in, and who executed, the foregoing instrument, as  
acknowledged that she executed the same.

Georg J. Stender, Jr.  
Notary Public

GEORGE F. STENDER, JR.  
Notary Public State of New York  
Qualified in Orange County  
My Commission Expires March 30, 1970

ORANGE  
COUNTY

053489

REAL ESTATE  
TRANSFER TAX  
Dept. of  
Taxation  
RECEIVED  
FEB 1975  
= 80.50  
\* \* \* \* \*

INFR 2000 pg 561

# Deed.

ANNE C. GALLAGHER

TO

K. W. G. REALTY CORPORA-  
TION

Dated, January 30, 1975

Orange County Clerk's Office, s.s.

Recorded on the 10th day  
of Feb 1975 at 9:36

o'clock P.M. in Liber 2000

at page 558

and Examined  
C. H. Winters  
Clerk

Pl. charge, record & return to:  
McCANN, AHERN & SOMMERS, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

~~XXXXXXXXXXXX~~

347  
P. O. Box 2335 Fullerton Ave.

NEWBURCH, NEW YORK 12550

6050

THIS DEED IS GIVEN WITHOUT A SEARCH

# This Indenture,

Made the  
hundred and

<sup>30th</sup>  
Seventy-Five

day of January

, nineteen

LIBER 2000 PG 558

Between ANNE C. GALLAGHER, residing at 882-B Heritage Village,  
Southbury, Connecticut 06488

part Y of the first part, and

K. W. G. REALTY CORPORATION, a domestic corporation, having its  
principal place of business at Route 32, Town of New Windsor, Orange,  
County, New York,

part y of the second part:

Witnesseth, that the part y of the first part, in consideration of -----  
TEN and 00/100----- (\$10.00)----- Dollars,  
lawful money of the United States, and other good and valuable consideration  
----- paid by the part Y of the second part,  
do es hereby grant and release unto the part Y of the second part,  
its successors and assigns forever,

CEL I  
THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, together with the  
buildings and improvements thereon, situate in the Town of New Windsor  
County of Orange and State of New York, more particularly bounded and  
described as follows:

XK-1  
BEGINNING at a point in the center line of Windsor Highway, formerly Snake Hill Road (Route No. 32), the said point of beginning being the northeasterly corner of lands now or formerly of Frances M. Greene and runs thence along the center line of said Highway in a northeasterly direction approximately 40 feet to its intersection with the projection of the westerly right of way taking line of the Erie Railroad Company (Fabrikoid Siding) as described in a certain deed Chamber of Commerce of the City of Newburgh, N.Y. to Erie Railroad Company dated November 6, 1913 and recorded in the Orange County Clerk's Office on May 14, 1914 in Liber 549 of deeds at page 263; thence continuing along the course of said projection 100 feet more or less to the point where it intersects the westerly line of said highway, which point of intersection is 150 feet more or less measured along the westerly line of said highway from the north line of the lands of said Greene as aforesaid; thence along said right of way line northerly on a radius of 930.37 feet, a distance of 387.62 feet to a point; thence westerly 25 feet to a point; thence northerly on a radius of 905.37 feet, a distance of 199.0 feet to a point; thence easterly 22 feet to a point; thence northerly on a radius of 927.37 feet a distance of 100.72 feet to a point in the southerly line of the Alms House property of the City of Newburgh; thence along said line North 67 degrees 40 minutes West 452 feet more or less to a point in the westerly line of lands of Epstein; thence along the same South 29 degrees 10 minutes West 731.22 feet more or less to a point at the northwesterly corner of lands conveyed by Raphael Epstein to Frances M. Greene by deed dated February 15, 1949 and recorded in the Orange County Clerk's Office on February 23, 1949 in Liber 1114 of deeds at page 335; thence along the northerly line of said lands South 60 degrees 31 minutes East 723.3 feet to a point in the center line of Windsor Highway to the point or place of beginning. The said parcel hereby described contains 11 1/4 acres more or less.

SUBJECT to appropriations of property by the State of New York for the vails Gate-Newburgh City line highway, S.H. No. 9033, insofar as the same may affect the above described parcel.



BEING the same premises as described in a deed from Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher dated March 9, 1960 and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471. The said Frank X. Gallagher having died a resident of Orange County on December 10, 1961.

EL

ALSO ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND situate in the Town of New Windsor, County of Orange and State of New York, and being more particularly bounded and described as follows:

BEGINNING at a point, marked by an iron pipe, at the northwest corner of lands conveyed to Frank X. Gallagher and Anne C. Gallagher by deed dated March 9, 1960, made by Raphiel Epstein, Abraham Epstein and Molly Epstein, and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471; thence N 65° 00' 00" W 73.15 feet through lands of Joseph Monti to the easterly line of lands of Central Hudson Gas and Electric Corporation described in a deed dated December 6, 1961 made by Joseph Monti, recorded in the Orange County Clerk's Office on December 7, 1961 in Liber 1607 of Deeds at page 37; thence N 37° 26' 10" E 319.06 feet along the said easterly line of Central Hudson Gas and Electric Corporation to a point, marked by a concrete monument; thence S 67° 14' 30" E 28.35 feet along the southerly line of said lands of Central Hudson Gas and Electric Corporation to a point, marked by a concrete monument, in the westerly line of said lands now or formerly of Gallagher; thence S 29° 22' 10" W 313.58 feet along the westerly line of said lands of Gallagher to the point or place of beginning. Containing about 16,036 square feet.

EXCEPTING ALL THAT CERTAIN LOT OF LAND situated in the Town of New Windsor, County of Orange, State of New York, bounded and described as follows:

beginning at a point, marked by a concrete monument, at the northeast corner of lands described in a deed made by Joseph Monti to Anne C. Gallagher, dated October 23, 1968, recorded in the Orange County Clerk's Office on October 24, 1968, in Liber 1806 of Deeds at page 606, said point also being in the westerly line of lands described in a deed made by Raphiel Epstein, Abraham Epstein and Molly Epstein to Frank X. Gallagher and Anne C. Gallagher dated March 9, 1960 and recorded in the Orange County Clerk's Office on March 11, 1960 in Liber 1542 of Deeds at page 471; thence from said point of beginning, South 29° 22' 10" West 75.49 feet along the line of lands of Frank X. Gallagher and Anne C. Gallagher as described in Liber 1542 of Deeds at page 471 on the east and lands of Anne C. Gallagher as described in Liber 1806 of Deeds at page 606 on the west, to a point marked by an iron pipe; thence North 67° 14' 30" West 39.31 feet through said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606, to a point marked by an iron pipe in the westerly line of said lands of Anne C. Gallagher; thence along the westerly line of said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606; North 37° 26' 10" East 77.52 feet, to a point marked by a concrete monument, said point being also a corner of the said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606; thence South 67° 14' 30" East 28.35 feet along the northerly line of said lands of Anne C. Gallagher described in Liber 1806 of Deeds at page 606, to the point or place of beginning.

BEING the same premises as described in a deed from Anne C. Gallagher to Central Hudson Gas & Electric Corporation dated February 5, 1969 and recorded in the Orange County Clerk's Office on February 13, 1969 in Liber 1813 of Deeds at page 902.

Parcel II above described is a portion of the premises described in a deed from JOSEPH MONTI to ANNE C. GALLAGHER dated October 23, 1968 and recorded in the Orange County Clerk's Office on October 24, 1968 in Liber 1806 of Deeds at page 606.

LIBER 2000 PG 30  
Together with the appurtenances and all the estate and rights of the part Y of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the part Y of the second part, its successors and assigns forever.

And said Party of the first part

covenant as follows:

First. That said Party of the first part  
ha s good right to convey the same; seized of the said premises in fee simple and

Second. That the part Y of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances;

Fourth. That the part Y of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said Party of the first part  
will forever warrant the title to said premises.

Sixth. The grantor, in compliance with Section 13 of the Lien Law, covenant as follows: That she will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that she will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the part Y of the first part ha s herunto set her hand and seal the day and year first above written

**In the Presence of:**

*Anne C. Gallagher*  
**ANNE C. GALLAGHER**

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**State of New York,  
County of ORANGE**

**SS.:**

On the *30<sup>th</sup>* day of January, nineteen hundred and  
Seventy-Five before me personally came **ANNE C. GALLAGHER**

, to me known  
to be the individual described in, and who executed, the foregoing instrument, and  
acknowledged that she executed the same.

*Bernard J. Sommers*

---

**BERNARD J. SOMMERS**  
Notary Public State of New York  
Residing in Orange County  
My comm. expires March 30, 1976

# Kar-Vin Abstract Corp.

273 Quassaick Avenue • New Windsor, New York 12553  
(914) 562-2622  
Fax No. (914) 565-8737

Vincent J. Tangredi  
President

5/15/95

Joseph Rones, Esq.  
Finkelstein Levine Gittelso  
436 Robinson Ave.  
Newburgh, NY, 12550

Re: Title No. 951114  
Premises: Route 32  
Purchaser: K.W.G. Realty Corp.  
Seller: K.W.G. Realty Corp.  
Lender: Bank of New York Mortgage Co.

Gentlemen:

Enclosed please find:

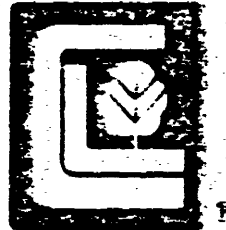
- (XX) Certificate and Report of Title. Kindly advise the undersigned of the time and place of closing.
- ( ) Addenda to Certificate and Report of Title. Kindly annex to title report.
- ( ) Survey
  - ( ) Survey Reading
  - ( ) Affirmative Insurance (BANK ONLY)
  - ( ) Residential Mortgage Endorsement (BANK ONLY)
  - ( ) Street Report
  - ( ) Certificate of Occupancy
  - ( ) Description or Amended Description
  - ( ) Updated Tax Schedule
  - ( ) Violation Search

Very truly yours,

Vincent J. Tangredi

VJT:clv  
cc: K.W.G. Realty Corp.  
Enclosure

**Commonwealth.**  
**Land Title Insurance Company**



**CERTIFICATE  
AND  
REPORT OF TITLE**

**NEW YORK STATE OFFICE**  
655 Third Avenue  
New York, New York 10017  
(212) 949-0100

**HOME OFFICE**  
EIGHT PENN CENTER  
PHILADELPHIA, PA 19103-2198  
Telephone: (215) 241-6000

B 2215-17

**NEW YORK OFFICES**

☐ **NEW YORK CITY**  
655 Third Avenue  
New York, New York 10017  
(212) 949-0100

☐ **BUFFALO**  
298 Main Street  
Buffalo, New York 14202  
(716) 853-6800

☐ **GARDEN CITY**  
370 Old Country Road  
Garden City, New York 11530  
(516) 742-7474

☐ **RIVERHEAD**  
177 Old Country Road  
Riverhead, New York 11901  
(516) 727-7760

☐ **WHITE PLAINS**  
131 Court Street  
White Plains, New York 10601  
(914) 949-0002

**NATIONAL TITLE SERVICE**  
655 Third Avenue  
New York, New York 10017  
(212) 949-0100

# CERTIFICATE AND REPORT OF TITLE



**Commonwealth.**  
Land Title Insurance Company

That in consideration of the fees, due and payable upon the delivery of this certificate, this Company certifies it has examined title to the premises described in Schedule A herein, in accordance with its usual procedure and agrees to issue its standard 1990 ALTA Loan/Owner's policy (with New York Endorsement) insuring such interest and the marketability thereof, after the closing of the transaction in conformance with procedures approved by the Company, excepting all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in this certificate which are not disposed of to its satisfaction prior to such closing or issuance of the policy.

Such policy will be issued for the amount set forth herein, upon payment of the Company's fees and after the transaction has been duly closed and the closing instruments have been duly recorded and approved by the Company.

This certificate is subject to any question or objection as a result of a continuation of the title to the date of closing or which may be brought to the attention of the Company prior to the closing, or if there be no closing, before the issuance of the policy.

This certificate shall be null and void (1) if the Company's fees therefor are not paid (2) if the prospective insured, his attorney or agent, or the applicant or the person to whom this certificate is addressed, makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company (3) in any event, upon the delivery of the policy. Any claim arising by reason of the issuance of this certificate shall be restricted to the terms and conditions of the standard form of insurance policy.

If title, interest or lien to be insured was acquired by the prospective insured prior to delivery of this certificate, the Company assumes no liability except under the policy when issued.

Authorized Signature

**Redated and Recertified:**

Closer's Signature

If you have any questions regarding this report please communicate with

**KAR-VIN ABSTRACT CORP.**  
273 Quessack Avenue  
New Windsor, N.Y. 12553  
(914) 562-2622 FAX (914) 565-8737

# **COMMONWEALTH LAND TITLE INSURANCE COMPANY**

## **SCHEDULE A**

**Title No. 951114**

**Effective Date: 3/25/95**

**Redated:**

**Proposed Insured:**

**Purchaser K.W.G. Realty Corp.**

**Mortgagee Bank of New York Mortgage Co.**

**, its successors and/or assigns**

**Amount of Insurance**

**Fee \$**

**Mortgage \$750,000.00**

**THIS COMPANY CERTIFIES that a good and marketable title to the premises described in Schedule A, subject to the liens, encumbrances and other matters, if any, set forth in this certificate may be conveyed and/or mortgaged by:**

**K.W.G. Realty Corporation who acquired title by deed dated 2/10/69 made by Anne C. Gallagher and recorded in the ORANGE County Clerk's Office on 2/13/69 in Liber 1813 of Deeds, at page 862.**

**K.W.G. Realty Corporation who acquired title by deed dated 1/30/75 made by Anne C. Gallagher and recorded in the ORANGE County Clerk's Office on 2/10/75 in Liber 2000 of Deeds, at page 558.**

**City of Newburgh who acquired title by deed dated 11/25/91 made by Bargoind S. Patel and recorded in the ORANGE County Clerk's Office on 11/25/91 in Liber 3526 of Deeds, at page 4, as corrected by deed in Liber 3583 op 93.**

**Premises described herein are known as:**  
**Route 32**

**County: ORANGE**

**City: Newburgh**

**Town: New Windsor**

**Section/Block/Lot: (9-1-23.1 Town of New Windsor)  
& (50-1-8 City of Newburgh)**



**COMMONWEALTH LAND TITLE INSURANCE COMPANY**

**SCHEDULE B**

**Title No. 951114**

**SCHEDULE B in which are set forth the additional matters which will appear in the policy as exceptions from coverage, unless disposed of to the Company's satisfaction prior to the closing or delivery of the policy:**

- 1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule herein.**
- 2. Mortgages returned herein (ONE). Detailed statement within.**
- 3. Any state of facts which an accurate survey might show or Survey exceptions set forth herein.**
- 4. Rights of tenants or persons in possession.**
- 5. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein:--Grants in Liber 1607 cp 37 and Liber 1813 cp 904. Easement in Liber 1845 cp 121 and Liber 1813 cp 862 as they may affect.**
- 6. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same. (FEE POLICY ONLY)**

**NOTE:** Insurance Law Sec. 64 Subdivision 6409(c) requires that title companies offer, at or prior to closing, an optional policy to cover the homeowner for the FUTURE market value of his house. You may, therefore, elect to obtain protection in excess of your purchase price. If you do not wish this additional statutory coverage, you **MUST WAIVE** by signing in the space below this exception:

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**SCHEDULE B CONTINUED**

**Title No. 951114**

7. The amount of acreage is not insured.
8. No title is insured to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
9. Subject to rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines, etc., in, to and over the premises herein and in, to and over the streets adjacent thereto. (FEE POLICY ONLY)
10. If the mortgage or mortgages returned herein is a Credit Line Mortgage, special arrangements with the title company must be made PRIOR to closing in order to satisfy same at closing.
11. Riparian rights, if any, in favor of the premises herein are not insured.
12. Rights of others to drain through creeks or streams, if any, which cross premises and the natural flow thereof will be excepted.
13. Except all water meter charges from date of the last actual reading of the meter, including all charges entered hereafter but which might include usage prior to the date of this policy.
14. Proof of payment of franchise tax on K.W.G. Realty Corp. from incorporation to date of closing is required. Report requested from State Tax Commission.
15. If the present transaction consists in whole or in part of a conveyance or lease by a corporate grantor or lessor we will require the written consent thereto by all of the holders of the outstanding shares of the said corporation and the instrument on closing should so recite.

In lieu thereof the consent of the holders of two-third of all of the outstanding shares entitled to vote thereon obtained at a meeting duly noticed and called for the purpose of obtaining such consent in the manner provided for in Section 605 of the Business Corporation Law is required and the instrument on closing should so recite.

**SCHEDULE B - CONTINUED**

In lieu thereof a recital in the deed of conveyance stating "This conveyance is made in the ordinary course of business and does not constitute all or substantially all of the assets of the Corporation"

If none of the above is obtained, then, the proofs showing the basis upon which the conveyance or lease is to be made must be submitted to counsel prior to closing.

16. Tax Sale Certificate in Liber 3248 cp 151.

17. The following judgment(s) to be considered and disposed of:

-----  
State Tax Commission

-vs-

The K.W.G. Realty Corp  
60 Mill Street  
Newburgh, N.Y. 12550

Amount: \$3,822.43

Dock.: 11/19/81

Attny: Dept. Tax Commission

Warrant issued under Article 22/23 of the Tax Law  
-----

18. 2 UCC-1's, as continued, to be considered and disposed of, see attached.

19. Highway Appropriation map #38 pg 47, #40 pg 50.

20. Tax map department computer indicates an unrecorded deed for that portion of the premises lying within the City of Newburgh limits, dated 2/7/92. Said deed must be recorded if said deed has been misplaced, a duplicate original must be acquired for recording PRIOR to closing.

## **SCHEDULE C**

**(FOR INFORMATION ONLY)**

- . If a deed, presented to the Company for recording at closing, is dated prior to said closing date, the Company will use its best efforts to record the deed and its accompanying instruments promptly; however no liability is assumed for penalties and interest under Section 1416 of the New York State Tax Law due to the inability to file transfer tax returns or pay transfer taxes within the time requirements. Said penalties and/or interest will be charged against the grantor(s).
- . The date on the Deed in this transaction must be the same date as on the Equalization and Assessment form and the TP-584. This date must be the date of closing. If the Deed is signed and dated by the Transferors prior to the closing, duplicate original affidavits, signed by the Transferors, must be presented to the closer at the closing; to be forwarded to the Clerk's office with the Deed.

**IF THIS TRANSACTION CONSISTS IN WHOLE OR IN PART OF AN ASSIGNMENT OF MORTGAGE, THEN THE FOLLOWING OBJECTION MAY APPLY:**

- . In order to record an assignment of a mortgage, there must be set forth in the assignment document or attached thereto and recorded as part thereof a statement under oath signed by the mortgagor or any other party to the transaction having knowledge of the facts (provided he asserts such knowledge), that the assignee is not acting as a nominee of the mortgagor and that the mortgage continues to secure a bona fide obligation.

This requirement is not applicable to assignment of the type used between lenders which continues, at all times, to secure a bona fide debt, such assignment shall contain the statement: "This assignment is not subject to the requirements of Section 275 of the Real Property Law of the State of New York because it is an assignment within the secondary mortgage market."

- . All documents are to be signed in black ink only for recording purposes.

Title No. 951114

## MORTGAGE SCHEDULE

**MORTGAGOR:** K.W.G. Realty Corporation  
**MORTGAGEE:** Highland National Bank of Newburgh  
**Amount:** \$200,000.00  
**Dated:** 2/10/69  
**Recorded:** 3/21/69  
**Liber 1528 Mp. 63**

Participation Agreement recorded 3/21/69 in Liber 1816 cp 113.  
Participation Agreement recorded 5/5/69 in Liber 1818 cp 1170.  
Participation Agreement entered 7/24/69 recorded 5/22/69 in Liber 1820 cp 419.  
Participation Agreement entered 7/24/69 & recorded 6/26/69 in Liber 1823 cp 610.  
Participation Agreement recorded 7/31/69 in Liber 1826 cp 457.  
Participation Agreement entered 8/28/69 and recorded 2/14/69 in Liber 1813 cp 1039.  
Participation Agreement recorded 8/25/69 in Liber 1828 cp 224.  
Participation Agreement recorded 9/30/69 in Liber 1831 cp 50.  
Mortgage Agreement recorded 5/1/70 in Liber 1845 cp 394.  
Participation Agreement recorded 5/4/70 in Liber 1845 cp 551.  
Participation Agreement entered 11/5/70 recorded 2/28/69 in Liber 1814 cp 932.

These mortgage returns, unless the mortgage is to be insured will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes, the provisions of a mortgage are modified by agreements which are not recorded. We suggest that you communicate with the mortgagee, if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.

**MUNICIPAL SCHEDULE**

**County:** ORANGE  
**Street:** Route 32  
**Section/Block/Lot:** 9-1-23.1  
**Property Class Code:** 431  
**Town:** New Windsor  
**School District:** Newburgh Enlarged City  
**Property Size:** 10.40 Acres

**ASSESSED VALUATION**

**LAND:** \$119,000.00      **FULL:** \$391,600.00

**ASSESSED TO:** K.W.G. Realty Corp.

**1995 STATE, COUNTY AND TOWN TAX:** \$27,811.78      **PAID 1/26/95**

**1994/95 SCHOOL TAX:** \$20,728.17      **PAID 3/10/95**

**3 Water Accounts:** Also, as of June 1, 1995 all three will be billed for Sewer along with Water.

**Water Charges:** #DO5-5409-00      \$257.30      **PAID 3/25/95**  
(covers 10/6/94 thru 1/10/95, new bill 6/1/95)

**Water Charges:** #DO5-5410-00      \$32.55      **PAID 3/29/95**  
(covers 10/6/94 thru 1/10/95, new bill 6/1/95)

**Water Charges:** #DO5-5411-24      No Water yet, new bldg.

**PAID WATER AND SEWER RECEIPTS TO BE PRODUCED AT CLOSING.**

**POLICY WILL EXCEPT ALL UNPAID WATER RATES AND/OR SEWER RENTS OR ASSESSMENTS IN THE ABSENCE OF PAID BILLS AND RECEIPTS TO BE PRESENTED AT CLOSING. DOES NOT INCLUDE ASSESSMENTS FOR ANY SPECIAL DISTRICT NOT A PART OF THE STATE AND COUNTY TAX ROLL.**

**EXCEPT WATER METER AND SEWER RENTAL CHARGES ACCRUING SINCE THE DATE OF THE LAST READING AND BUILDING PURPOSE OR UNFIXED WATER FRONTAGE CHARGES SUBSEQUENTLY ENTERED.**

## **TAX SCHEDULE**

**County:** Orange  
**Street:** Temple Avenue  
**Section/Block/Lot:** 50-1-8  
**Property Class Code:** 311  
**City:** Newburgh  
**School District:** Newburgh Enlarged  
**Property Size:** 188 X 432

### **ASSESSED VALUATION**

**LAND:** \$2,000.00      **FULL:** \$2,000.00

**ASSESSED TO:** K.W.G. Realty Corp.

**1995 STATE, COUNTY AND CITY TAX:** \$83.24 BASE  
**1st Installment:** \$27.76 PAID 2/7/95  
**2nd Installment:** \$27.74 PAID 5/9/95  
**3rd Installment:** \$27.74 OPEN & DUE 7/11/95  
**1994/95 SCHOOL TAX:** \$56.80 PAID IN FULL 3/10/95  
**No Water and no sewer per City.**

**PAID WATER AND SEWER RECEIPTS TO BE PRODUCED AT CLOSING.**

**POLICY WILL EXCEPT ALL UNPAID WATER RATES AND/OR SEWER RENTS OR ASSESSMENTS IN THE ABSENCE OF PAID BILLS AND RECEIPTS TO BE PRESENTED AT CLOSING. DOES NOT INCLUDE ASSESSMENTS FOR ANY SPECIAL DISTRICT NOT A PART OF THE STATE AND COUNTY TAX ROLL.**

**EXCEPT WATER METER AND SEWER RENTAL CHARGES ACCRUING SINCE THE DATE OF THE LAST READING AND BUILDING PURPOSE OR UNFIXED WATER FRONTAGE CHARGES SUBSEQUENTLY ENTERED.**

**Title No. 951114**

**FOR INFORMATION ONLY**

No state or municipal department searches for notices of violations of laws, regulations and ordinances filed therein and no searches for certificate of occupancy, building or other permits or licenses are made unless specifically requested by the applicant. If requested, they are made by the particular municipal department and are called "Record Search"; they disclose only those violations reported by the last inspection made by the department and do not show the present condition, which can be ascertained only requesting a new inspection and paying the fee therefore. Such searches are not continued to date of closing nor are new searches made even in event of adjournment of closing. All searches specifically requested, are made at an additional charge to the applicant.

This Company does not, in any event, insure that the buildings or other erections upon the premises or their use comply with Federal, State and Municipal laws, regulations and ordinances, and therefore assumes no liability whatsoever by reason of the ordering of such searches and does not insure their accuracy. The following information has been furnished by the various department.

**Search made by Department of Buildings:**

**See Attached**

**Search made by Building Department: City of Newburgh & Town of New Windsor**

**Temple Avenue is a dedicated road and municipally maintained.  
Route 32 is maintained by the State of New York.**



# **BUILDING INSPECTIONS**

**22 GRAND STREET**

**PHONE: 565-3201**

**TO: Kar-Vin Abstract  
273 Quassaick Ave  
New Windsor, New York 12553**

**RE: 000 Temple Ave. 951114**

**DATE: April 12, 1995**

**The information you requested for the above referenced property is contained herein:**

\_\_\_\_\_ **Copy of Certificate of Occupancy**

XXXX

\_\_\_\_\_ **No copy of Certificate of Occupancy is required since building dates prior to requirement.**

\_\_\_\_\_ **Street is maintained by the City of Newburgh.**

\_\_\_\_\_ **Street is Private Road maintained by the owner**

\_\_\_\_\_ **Flood Plain Report - From Engineers Office(forthcoming)**

XXXX

\_\_\_\_\_ **No Outstanding Violations On File At Present.**

\_\_\_\_\_ **Outstanding Violations on File**

*James V. Morrill*  
**JAMES V. MORRILL,  
Building Inspector**

**JVM/mh**

APRIL 18, 1975  
1769

KAR-VIN ABSTRACT CORP.  
273 QUASSAICK AVENUE  
NEW WINDSOR, N.Y. 12553

PROPERTY ASSESSED TO: K.W.B. REALTY CORP.  
ROUTE 32  
NEW WINDSOR, NY 12553  
SECTION 7, BLOCK 1, LOT 23.1

DEAR SIR:

PLEASE FIND ENCLOSED A COPY OF THE CERTIFICATE OF OCCUPANCY #82  
ISSUED MAY 25, 1969 FOR THE ABOVE REFERENCED STRUCTURE.

THIS LETTER HAS BEEN PREPARED AFTER INSPECTION OF THE RECORDS  
AVAILABLE IN THE TOWN HALL. THE RECORDS INDICATE THAT THERE ARE  
(I) VIOLATIONS AT THE SUBJECT PREMISES. (II) PERSONAL INSPECTION  
WAS MADE BY THE UNDERSIGNED FOR THE PURPOSE OF PREPARING THIS  
LETTER. THE TOWN OF NEW WINDSOR DOES NOT REPRESENT THAT THERE  
ARE NO VIOLATIONS AT THE SUBJECT PREMISES, HOWEVER, THE TOWN WILL  
REPRESENT THAT IT HAS NO KNOWLEDGE OF ANY VIOLATIONS AT THE  
SUBJECT PREMISES.

THE INSPECTION OF THE RECORDS WAS PERFORMED AT THE REQUEST OF AN  
INTERESTED PARTY. THE TOWN WILL NOT BE LIABLE FOR ANY LOSS OR  
DAMAGE THAT MAY BE SUFFERED BY THE INTERESTED PARTY OR ANY OTHER  
PARTY WHO MAY RELY ON THE CONTENTS OF THIS LETTER.

TITLE #9 NYCRR REQUIRES THAT A SMOKE DETECTOR BE INSTALLED PRIOR  
TO THE SALE OF THESE PREMISES. PLEASE SUBMIT TO THE FIRE  
INSPECTOR AT THE ABOVE ADDRESS THE ENCLOSED AFFIDAVIT OF  
COMPLIANCE INDICATING THAT A SMOKE DETECTOR HAS BEEN INSTALLED  
AND IS IN OPERATION.

VERY TRULY YOURS,

*Michael Babcock*  
MICHAEL BABCOCK  
BUILDING INSPECTOR *EW.*

HB:ldm

TOWN OF NEW WINDSOR  
COUNTY OF ORANGE  
555 Union Avenue  
New Windsor, New York 12550  
Telephone 565-8807

BUILDING DEPARTMENT

Building Permit No: 4362

Location: RTE. 32 W/B

Map No: 334800

Section: 7

Block: 1

Lot: 23.1

**CERTIFICATE OF OCCUPANCY**

1 No: 89-82

CO Date: 5/25/89

IS CERTIFIED that the structure described herein, conforms substantially to the approved plans and specifications heretofore filed in this file with Application for Building Permit dated 10/7/88, pursuant to which Building Permit was issued, and conforms to all the requirements of the applicable provisions of the law.

A structure for which this certificate is issued is as follows:

Material: WOOD FRAME	Number of Stories: 1.0	Number of Facilities: 0
Systems of Building: SEE PLANS	Dimensions of Lot: SEE PLANS	
Use of Building: NEW BLDG.	Number of Bedrooms: 0	
Number of Toilets: 0	Number of Bathrooms: 0.0	
Heating Plants: GAS/HOT AIR		
Remarks: PERMIT ISSUED FOR CONSTRUCTION OF NEW BUILDING		

This certificate is issued to BALLANTRIE TRANSPORTATION SERVICE for the aforesaid structure.

  
Building Inspector

The Certificate of Occupancy will be issued only after affidavits or other competent evidence is submitted to the Superintendent of Buildings that the completion of the construction is in compliance with the State Building Construction Code and with other laws, ordinances or regulations affecting the premises, and in conformity with the approved plans and specifications. A final electrical, plumbing, heating or sanitation certificate or other evidence of compliance may be required before the issuance of the Certificate of Occupancy.

**FLOOD CERTIFICATION SPECIALISTS**  
Niagara Office Building  
345 Third Street, Suite 460  
Niagara Falls, New York 14303-1117  
(800)724-8757 FAX: (800)724-0814

**CERTIFICATION TO:**

**KAR-VIN ABSTRACT CORP.**  
**273 QUASSALCK AVENUE**  
**NEW WINDSOR, NY 12553**

contact **LYNNE**

Its Ordered **4-7-95** Ufcl # **309**  
in # **(914) 565-8737** Phone # **(914) 562-2622**

**SUBJECT PROPERTY**

Under FHS No. **951114**

applicant Name **W.G. REALTY CORP.**

present owner

property Address **ROUTE 32**

**NEW WINDSOR, NY** Zip **12553**

town/city/village **NEW WINDSOR, TOWN OF**

Borough

County **ORANGE COUNTY** State **New York**

tax Map No.

Section **9** Block **1** Lot **23.1**

District (SUFFOLK ONLY)

Subdivision Name

Condo Name

Condo Unit No.

**COMMENTS**

1. This certification runs to the benefit of the lending institution shown herein, the applicant and all other parties in interest.
2. This certification is as of the date stamped herein and is based upon an examination, in accordance with applicable regulations, of the current Flood Hazard Area maps published by the Federal Insurance Administration.
3. This certification is intended for the purpose of compliance by the lending institution with the Flood Disaster Protection Act of 1973 and does not constitute any opinion on the part of UFCL Flood Certification Specialists as to the advisability of securing flood insurance for the property described herein.
4. **NOTICE:** This certification is based upon the applicant's identification herein of the property by its tax identifier.
5. This certification is not valid unless signed by an authorized representative of UFCL Flood Certification Specialists.

**CERTIFICATION**

We certify that the Subject Property is

PARTIALLY IN TOTALLY IN X TOTALLY OUT

of a Special Flood Hazard Area as identified by the Federal Insurance Administration.

We further certify that the Subject Property is in a community that X IS IS NOT participating in the National Flood Insurance Program.

If the Subject Property is PARTIALLY IN or TOTALLY IN a Special Flood Hazard Area and if the Subject Property is located in a community participating in the NFIP, we further certify that the Community is in the

REGULAR EMERGENCY phase of the NFIP

Community #  
**360628**

Map Panel #  
**0010**

Suffix  
**B**

Flood zone  
**O**

Map Panel date  
**12/15/78**

Base Flood Elevation

Regular Program Entry Date  
**12/15/78**

Ufcl Case Number

**309** **84898**

date **4/10/95**

*Handwritten Signature*

Authorized Signature

**Basic Life of Loan  
CERTIFICATION**

**FLOOD CERTIFICATION SPECIALISTS**  
Niagara Office Building  
345 Third Street, Suite 460  
Niagara Falls, New York 14303-1117  
(800)724-8757 FAX: (800)724-0814

**CERTIFICATION TO:**

**KAR-VIN ABSTRACT CORP.**  
**273 QUASSALCK AVENUE**  
**NEW WINDSOR, NY 12553**

contact **LYNNE**

date Ordered **4-7-95**

UFCL # **309**

ax # **(914) 585-8737**

Phone # **(914) 582-2822**

**SUBJECT PROPERTY**

order File No. **951114**

Applicant Name **K.W.G. REALTY CORP.**

Present Owner

Street Address **TEMPLE AVE.**

**NEWBURGH, NY**

Zip

Town/City/Village **NEWBURGH, CITY OF**

Borough

County **ORANGE COUNTY** State **New York**

Tax Map No.

Section **50** Block **1** Lot **8**

District (SUFFOLK ONLY)

Subdivision Name

Condo Name

Condo Unit No.

**COMMENTS**

**AMENDED 04-11-95**

- TERMS & CONDITIONS**
1. This certification runs to the benefit of the lending institution shown herein, the applicant and all other parties in interest.
  2. This certification is as of the date stamped herein and is based upon an examination, in accordance with applicable regulations, of the current Flood Hazard Area maps published by the Federal Insurance Administration.
  3. This certification is intended for the purpose of compliance by the lending institution with the Flood Disaster Protection Act of 1973 and does not constitute any opinion on the part of UFCL Flood Certification Specialists as to the advisability of securing flood insurance for the property described herein.
  4. **NOTICE:** This certification is based upon the applicant's identification herein of the property by its tax identifiers.
  5. This certification is not valid unless signed by an authorized representative of UFCL Flood Certification Specialists.

**CERTIFICATION**

We certify that the Subject Property is

PARTIALLY IN TOTALLY IN X TOTALLY OUT

of a special Flood Hazard Area as identified by the Federal Insurance Administration.

We further certify that the subject property is in a community that X IS IS NOT participating in the National Flood Insurance Program.

If the subject property is PARTIALLY IN or TOTALLY IN a Special Flood Hazard Area and IF the subject property is located in a community participating in the NFIP, we further certify that the community is in the

REGULAR EMERGENCY phase of the NFIP

Community #  
**360828**

Map Panel #  
**0004**

Suffix  
**B**

Flood Zone  
**C**

Map Panel Date  
**06/05/85**

Base Flood  
Elevation

Regular Program  
Entry Date  
**06/05/85**

UFCL Case Number

**309 - 84899**

Date

**4/10/95**

Authorized Signature

**Basic Life of Loan  
CERTIFICATION**

Pls. publish immediately. Send bill to: KWG at below address.

PUBLIC NOTICE OF HEARING BEFORE  
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 38

Request of KWG Realty Corp.

for a VARIANCE of the Zoning Local Law to permit:

More than one freestanding sign w/ more than the  
allowable square footage and sign height;  
being a VARIANCE of Section 48-18 H [2] + [4] of the  
Supplemental Sign Regulations

for property situated as follows:

24 Windsor Highway, New Windsor, NY. 12553.

known as tax lot Section 9 Block 1 Lot 23.1.

SAID HEARING will take place on the 25<sup>th</sup> day of November,  
1996, at New Windsor Town Hall, 555 Union Avenue, New Windsor,  
New York, beginning at 7:30 o'clock P. M.

James Nugent  
Chairman

By: Patricia A. Barnhart, Secy.



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

October 28, 1996

K.W.G. Realty Corp.  
PO Box 2628  
Newburgh, NY 12550

Re: Section 9-1-23.1

Gentlemen:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's office.

Sincerely,

A handwritten signature in cursive script that reads "Leslie Cook". The signature is enclosed in a hand-drawn oval.

LESLIE COOK  
Sole Assessor

/po  
Attachments

cc: Pat Barnhart, ZBA

Central Hudson Gas & Elec. Corp.  
c/o Tax Agent  
South Road  
Poughkeepsie, NY 12603

Mans Brothers Realty, Inc.  
PO Box 247  
Vails Gate, NY 12584

Newburgh Miron Lumber Corp.  
250 Lake St.  
Newburgh, NY 12550

Tomlin Holding Corp.  
8 Susan Dr.  
Newburgh, NY 12550

Jane E. McDonald  
240 Lake St.  
Newburgh, NY 12550

Thompson, Charles I. &  
Weston, William K.  
c/o Heights Lumber Co.  
3 Windsor Highway  
New Windsor, NY 12553

A.T. Reynolds & Sons, Inc.  
Box K  
Kiamesha Lake, NY 12751

Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, PA 19103

Group Nine LP  
c/o KLM Industries, Inc.  
1585 Monroe Tpke.  
Stevenson, CT 06491

R & S of Newburgh, Inc.  
6167 Route 9H & 23  
Claverack, NY 12513

New Windsor Equipment Rentals & Service, Inc.  
PO Box 2068  
Newburgh, NY 12550

Argenio Brothers, Inc.  
PO Box 2068  
Newburgh, NY 12550



Monti, Anthony & Veronica  
15 Fern Ave.  
New Windsor, NY 12553

Decker, Frank M. & Kristen  
33 Beakes Rd.  
New Windsor, NY 12553

Thomas, Kenneth A. & Pamela A  
7 Fern Ave.  
New Windsor, NY 12553

Kennedy, Thomas & Helen I  
5 Fern Ave.  
New Windsor, NY 12553

Mihalco, Emil J. & Helen  
14 Fern Ave.  
New Windsor, NY 12553

Porteous, Frederick A. & Inda C.  
12 Fern Ave.  
New Windsor, NY 12553

Ozkurt, Osman & Zanif  
10 Fern Ave.  
New Windsor, NY 12553

Schermerhorn, Rosemary  
331 Carpenter Ave.  
Newburgh, NY 12550

Padilla, Nellie A.  
38 Windsor Highway  
New Windsor, NY 12553

McKible, Joel & Rachael  
42 Windsor Highway  
New Windsor, NY 12553

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE : STATE OF NEW YORK

-----X  
In the Matter of Application for Variance of

KRG Realty Corp.

Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

\*96-38.

-----X  
STATE OF NEW YORK )  
                              ) SS.:  
COUNTY OF ORANGE )

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On November 7, 1996, I compared the 22 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart  
Patricia A. Barnhart

Sworn to before me this  
7 day of November, 1996.

Mary Ann Hotaling  
Notary Public

MARY ANN HOTALING  
Notary Public, State of New York  
No. 01H05062877  
Qualified in Orange County  
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 96-38.

Date: 10/22/96

I. ☒ Applicant Information:

- (a) K.W.G. Realty Corp P.O. Box 2628 Newburgh NY 12550  
(Name, address and phone of Applicant) (Owner)  
(b) Gollogher Truck Center P.O. Box 2628 Newburgh NY 12550  
(Name, address and phone of purchaser or lessee)  
(c) None  
(Name, address and phone of attorney)  
(d) Not yet selected  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☒ Sign Variance  
☐ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) C 24 Windsor Highway 9/1/23.1 11.1 Acres  
(Zone) (Address) (S B L) (Lot size)  
(b) What other zones lie within 500 ft.? None  
(c) Is a pending sale or lease subject to ZBA approval of this application? No  
(d) When was property purchased by present owner? 19  
(e) Has property been subdivided previously? No  
(f) Has property been subject of variance previously? Yes  
If so, when? 1988, 1995  
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No  
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: Present outdoor storage is of vehicles for sale and awaiting repair

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:  
(Describe proposal) \_\_\_\_\_

7

(b) <sup>N/A</sup> The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) <sup>N/A</sup> Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) <sup>N/A</sup> The property in question is located in or within 500 ft. of a County Agricultural District: Yes \_\_\_\_\_ No \_\_\_\_\_.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance: <sup>N/A</sup>

(a) Area variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

\* Residential Districts only

\*\* No-residential districts only

(b) <sup>N/A</sup> In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

(You may attach additional paperwork if more space is needed)

✓ VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section 48-18 H[27], Table of Supp. Sign Regs., Col.

	<u>(4)</u> <u>Requirements</u>	<u>Proposed or</u> <u>Available</u>	<u>Variance</u> <u>Request</u>
Sign 1	<u>64 s.f.</u>	<u>72 s.f.</u>	<u>8 ft.</u>
Sign 2	<u></u>	<u></u>	<u></u>
Sign 3	<u></u>	<u></u>	<u></u>
Sign 4	<u></u>	<u></u>	<u></u>

Sign 1 - Height  
Total All Signs

<u>15 ft.</u>	<u>15' 6"</u>	<u>6"</u>
<u>One</u>	<u>Two</u>	<u>ONE.</u>

✓ (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

1) Drawing of sign attached 2) Manufacturer's requirements necessitate a sign to represent the Peterbilt Brand of Trucks 3) The smallest Peterbilt sign available is requested yet we are still over square footage requirements. 4) As to height we are conforming to our existing GMC sign.

✓ (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

✓ VII. Interpretation. ~~##~~

(a) Interpretation requested of New Windsor Zoning Local Law, Section 48, Table of 18 Regs., Col. 42.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

1) Sign will be enclosed by split rail fence  
with roses climbing it

2)

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☐ Copy of deed and title policy.
- ☐ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- X ☐ Two (2) checks, one in the amount of \$150.00 and the second check in the amount of \$500.00, each payable to the TOWN OF NEW WINDSOR.
- X ☐ Photographs of existing premises from several angles.

X. Affidavit.

Date: 11/6/96.

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Paul H. Treas  
(Applicant)

Sworn to before me this

6th day of November, 1996..

Patricia A. Barnhart

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_

PATRICIA A. BARNHART  
Notary Public, State of New York  
No. 01BA4904434  
Qualified in Orange County  
Commission Expires August 31, 1997.

(b) Variance: Granted (\_\_\_\_) Denied (\_\_\_\_)

(c) Restrictions or conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.**

**(ZBA DISK#7-080991.AP)**

Date 7/28/96, 19.....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 1247 Sycamore Dr.  
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
7/8/96	Zoning Board Meeting		75 00	
	Misc - 2			
	Lujan - 13			
	Eachus - 4			
	KWG Realty - 8	\$ 36.00		
	Vasquez - 8			
	Radich - 5			
	Kartogianer - D.C. Pough - 31			
	<u>71</u>		319 50	
			<u>394 50</u>	

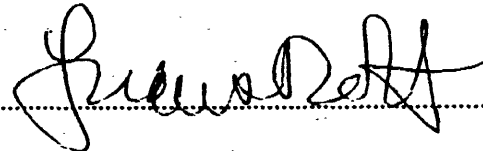


STATE OF NEW YORK,  
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No. ....  
Town of New Windsor

Nature .....

Amount Claimed \$ .....

Amount Allowed \$ .....

Filed .....

I hereby certify that at a meeting of  
said Town Board held at the office of the  
Town Clerk on the ..... day  
of ....., 19.....

the within claim was audited and allowed  
for the sum of

\$ .....

.....  
Clerk

KWG REALTY

Mr. Frank Gallagher appeared before the board for this proposal.

MR. TORLEY: Request for eight foot sign area and six inch sign height variance for freestanding pole sign for vehicle showroom at 24 Windsor Highway Gallagher Truck Center in a C zone.

MR. GALLAGHER: It's also for the square footage. My name is Frank Gallagher, I represent KWG Realty and as the chairman stated, I'm here because we're looking for another sign. We do have presently existing signs. Apparently, the requirement is that a freestanding sign be no more than 64 square feet. This sign has 72 square feet so the variance request is for eight feet. The height maximum is 15 feet allowed in order to conform to the existing sign there, we want them, the sign height we're asking for is 6 so that is six inches.

MR. KRIEGER: Would this sign be in addition to the existing sign that is there?

MR. GALLAGHER: Yes, sir.

MR. KRIEGER: Not replacement?

MR. GALLAGHER: No, we represent both brands.

MR. TORLEY: You have previously been before the board for a series of other sign variances.

MR. GALLAGHER: That is correct.

MR. TORLEY: Now, sooner or later you have to ask when is it going to stop?

MR. GALLAGHER: Well, quite frankly, this one's my fault. What I should of anticipated when we put the GMC sign Peterbuilt would have said how about us now they put requirements on us that they want equal treatment for exposure.

MR. LANGANKE: So, it is a business condition that prompts you to appear before us?

MR. GALLAGHER: Yes, they've given us a year to comply.

MR. KANE: The other sign that you were here for previously was that for a different business?

MR. GALLAGHER: No, the same business, the dealership Gallagher Truck Center, which is not the applicant here in this case, KWG owns the real estate, Gallagher Truck Center is a tenant of KWG, represents both GMC Trucks and also Peterbuilt Trucks.

MR. KANE: That was for an additional sign in the past, I remember you had the road going and you were 500 feet to the back.

MR. GALLAGHER: Would it help if I showed you a map?

MS. BARNHART: He's referring to the Kimball sign.

MR. GALLAGHER: Oh, yes, that is a separate business which is located in the rear of the property.

MR. KANE: That was what you were here previously for?

MR. GALLAGHER: That is correct.

MR. TORLEY: In '88, he was here for GMC and Peterbuilt.

MR. GALLAGHER: Those were signs on the face of the showroom building, they were not freestanding, they were on the facade of the building.

MR. KANE: And the second sign freestanding sign out on the roadway is allowable, they are allowed two within so many feet, is that what it is, frontage?

MR. KRIEGER: I assume it's either two within 300 feet.

MR. KANE: The gas station they are allowed.

MR. KRIEGER: There's that rule, there's also the per

business rule.

MR. GALLAGHER: This is Route 32.

MR. KRIEGER: Since they represent maybe one representative but they represent two completely independent brands, for lack of a better word, that is fine.

MR. GALLAGHER: Existing GMC sign is here, we propose to put the Peterbuilt sign west of it.

MR. KANE: If your variance is not granted for the exact same type of sign, is there repercussions?

MR. GALLAGHER: Well, just like with the GMC sign, Peterbuilt has a sign provider, they are very, all these major companies are very conscious of their image. I don't have a choice as to what sign company to deal with nor do I have--

MR. KANE: I meant from a business aspect, if you say the town won't let me put up a sign except for what's in the Town Code, would Peterbuilt per se say well, we're not going to do business with you anymore?

MR. GALLAGHER: Well, that is a possible repercussion but it's an extremely, it's not, I wouldn't say remote, but it would make our relationship uncomfortable.

MR. KRIEGER: For my own knowledge, the sign, the Peterbuilt sign here is there corporate logo you can see it on the truck itself, so I assume that is why they want that particular--

MR. GALLAGHER: Yeah, it's the oval shape, there are three sizes and that is the smallest of the three that is available.

MR. LANGANKE: What other signs do we have out on the road here?

MR. GALLAGHER: Well, right inside this fence is the one that I think you were referring to, it's a triangular shaped and that advertises this building

back here, our auto parts store. There are signs on the facade of the showroom building that we constructed in '88, there are signs on the facade of this auto parts store back here and there are signs here that deal with engine companies, Caterpillar engines, Cummins, Detroit Diesel, the largest sign and the one that frankly does us no good at all is right here roughly it's about 35 feet tall but you can't see it from the road. The only reason it was put there when this building was constructed in 1968 was at the time there was a plan to divert Route 9W around the base of Snake Hill where we are, if that had occurred, it would be a dynamite sign but it never occurred.

MR. LANGANKE: All right.

MR. REIS: Is there any way to incorporate Peterbuilt on to the sign?

MR. KRIEGER: Then I'm sure they'd have an argument as to who is on top.

MR. REIS: Just to eliminate.

MR. GALLAGHER: It's a good logical question and I think you anticipated my answer.

MR. TORLEY: So our code would permit you a somewhat smaller sign but you're saying the corporate sign provided has three different size signs, the smallest one is still too big for our code.

MR. GALLAGHER: Correct.

MR. KANE: Six inches in height and what 8 overall feet?

MR. GALLAGHER: Eight square feet.

MR. TORLEY: Both sides.

MR. GALLAGHER: I didn't calculate.

MS. SCHMIDT: Yeah, 64 square feet total.

MS. BARNHART: Isn't the owner only allowed one freestanding sign?

MR. SCHMIDT: Yes.

MS. BARNHART: So he needs another variance then?

MR. SCHMIDT: Yes.

MR. TORLEY: Doesn't he have enough property so he can have two or they have to be 300 feet?

MR. SCHMIDT: If there's a second main vehicle entrance.

MR. TORLEY: Another variance for a second.

MR. KRIEGER: I would say it's a variance for an interpretation because it becomes a very close question if it's one business or two, if it's one business, he's only entitled to one freestanding sign, you have one dealer but two separate--

MR. GALLAGHER: Franchises.

MR. KRIEGER: Franchises so--

MR. KANE: Plus Kimball's in the back which is a separate business altogether.

MR. KRIEGER: That is unrelated.

MS. BARNHART: That already has its sign.

MR. TORLEY: How did we get six inches too high? Where is the height coming on this?

MR. SCHMIDT: 15 feet maximum height from the top of the sign to the average ground level.

MR. GALLAGHER: To answer your question in a slightly different way, that was the size available here. See in the case of Peterbuilt, the face is prescribed by four feet and nine and a half feet in the oval shape, they don't really regulate us as to height but just so

we don't get into the problem that you suggested of who's bigger than the other guy, we thought that the best thing to do would be to make them exactly the same height so we're driven by the sign size that was available from GMC or General Motors.

MR. TORLEY: But also no corporate reason you can do it down 6 inches and meet the code.

MR. GALLAGHER: Yes, yes, practically to answer your question we could do that.

MR. LANGANKE: But you choose not to for the reasons that you have cited.

MR. GALLAGHER: Yes, just serving two masters, they each in turn think that they are getting more of our attention.

MR. KANE: So, in addition we need to put down add the second freestanding sign.

MS. BARNHART: Frank needs to put that.

MR. KRIEGER: Put it down as an interpretation and failing that a variance.

MR. TORLEY: So it would be a much larger area variance because it would be a whole new sign, only allowed one freestanding sign that is making--

MR. GALLAGHER: I follow your logic.

MR. TORLEY: That would mean that the variance is not 4 square feet but 64.

MR. SCHMIDT: That can be your interpretation, it's in two separate sections of the code for the one freestanding sign and the square footage, so it is up to you how you want to interpret it.

MR. GALLAGHER: Could I ask a question? You're pursuing the thought before about the amount of frontage, how does that play into this?

MR. SCHMIDT: If there's 2 main vehicular entrances then a sign can be minimum 300 feet apart.

MR. GALLAGHER: Well that is not the case, there's just one entrance.

MR. KRIEGER: At the time it was being pursued, they weren't looking at the two entrances, just looking at the 300 feet with the two entrance requirement added tonight it makes the 300 feet existence there irrelevant.

MR. GALLAGHER: Yes.

MR. REIS: From their point of view, they've made that interpretation.

MR. SCHMIDT: I didn't do the denial, Frank didn't include the second sign, I don't know if that was a mistake on his part or not.

MR. TORLEY: We have to do that anyway because if we ask cause if we go to saying we need a variance for just the six inches or the 4 square feet, we have assumed that.

MR. KRIEGER: Here's the problem, Ernie highlighted it, unlike everybody else the law says that building inspectors are not bound by their mistakes so he could come in and make an application based only on this disapproval. If after that was all said and done even if he got the variances that he sought and he went back and said here I am, I have got the variance and I have satisfied all your requirements, if the building inspector's office then turns around and says whoops, we found another one, he's out of luck. Municipalities are allowed to do that so as long as he's here, the prudent thing to do would be to cover that.

MR. TORLEY: You don't want to do this any more that you have to.

MR. GALLAGHER: As you pointed out, I'm getting more practice at that than I bargained for.



MR. REIS: I make a motion that we set up KWG for public hearing on his requested variance.

MR. KANE: Second it.

MR. KRIEGER: Application should be amended to show the second request.

MR. TORLEY: Think long and hard to make sure you don't have to do this again.

MR. GALLAGHER: Yes, everyone's got better things to do than this.

MR. KRIEGER: I'll need, I want to look at your deed and title policy when you come in, I just want to look at them, don't need to keep them.

MR. GALLAGHER: I doubt there's a title policy.

MR. KRIEGER: Then the deed if it exists I want to look at it. In addition, there are certain criteria that the state has set forth that the zoning board must consider and I have written them down on this sheet of paper. If you would address, take that with you and address yourself to those as you make your application with respect to the variances, it would be helpful.

MR. GALLAGHER: Okay, thank you gentlemen.